

Application No. 10/647,914
Response to Final
Office Action Dated October 13, 2006
January 8, 2007

REMARKS/ARGUMENTS

In the amendment previously submitted in this application, applicants indicated an intent to submit a declaration under 37 C.F.R. § 1.131 to demonstrate that the prior art cited against the present application is not prior art on the ground that the subject matter of the present claims were conceived and reduced to practice prior to the earliest filing date available to U.S. Patent No. 6,290,865 patent ("the '865 patent"). Submitted herewith are the papers demonstrating that Steven L. Peace, a Semitool engineer, conceived and reduced to practice the subject matter of the claims in this application before the earliest date available to the '865 patent, namely November 30, 1998.

Applicants also submit a request under 37 C.F.R. § 1.48 to add Mr. Peace as an inventor and a petition under 37 C.F.R. § 1.47(a). As the Peace declaration demonstrates, he was omitted without deceptive intent by reason of a change in the claims in the application.

Under these circumstances, the Examiner should determine that Mr. Peace is a co-inventor along with the named inventors. The Examiner should also accept Mr. Peace's declaration demonstrating prior conception and reduction to practice of the subject matter of these claims. That removes the '865 patent as prior art and thus the present application should be deemed allowable and an interference with the '865 patent declared. Such action is respectfully solicited.

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Respectfully submitted,



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January 8, 2007

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence and/or fee is, on the date shown below, being deposited with the United States Postal Services as Express Mail Post Office to Addressee, No.EV 871552539 US, with sufficient postage, January 8, 2007.


Eileen Madrigal